

III. REMARKS

In the amended independent claims 1 and 13 it is specified that the first effect, i.e., speech or message, is transmitted via the connection established and the second effect is activated by the same connection established. This is stated in the new claim 1, lines 7-10 and 17-18, and in the new claim 13, lines 7-10 and 13-14. In Hirai the sounding pattern or corresponding pattern identifying a calling party is always informed to a called party beforehand. This is stated, e.g., in page 3, line 9; page 4, lines 11, 23; page 5, line 11; page 32, line 18. Since the sounding pattern or corresponding pattern is informed to a called party, it is not selected by the called party in his own apparatus. Also it is not transmitted via the same connection with which it is used or presented, as in the new claims 26 and 27. The effect, selected by a user for personalizing his device and activated by an already established connection according to the present invention is not presented in Hirai. Neither is the real time, added communication according to claims 26 and 27 of the present invention presented in Hirai.

The object of the present invention is to personalize user's mobile station and make methods of communication between mobile stations more versatile [application: page 2, lines 30-33]. This object is achieved by expanding existing properties to be used in other operating areas than currently known [application: page 3, lines 1-3]. As stated in page 3, lines 17-19, of the application, the primary function of the ringing sounds in mobile stations is to call attention, i.e., inform of an incoming call. According to the present invention, this feature of ringing sound is applied to another, inventive area and use, whereas according to Hirai especially the ringing

tone (among other patterns) is set by the calling party for identification, as is stated in Hirai, e.g., in page 1, lines 4-8.

The object of Hirai is to provide a portable terminal device which enables a user to immediately identify a calling party by utilization of a sounding pattern issued for reporting the arrival of an incoming call to the user [Hirai: page 3, lines 1 -5]. Hirai concentrates on identifying a calling party, and thus the called party is informed beforehand – not in real-time during the connection as in the present invention – of a pattern to be used for reporting an incoming call set by the calling party. Since the pattern for identifying a calling party is set by the calling party according to Hirai, it is obvious that the called party must know the identifying pattern beforehand, in order to identify the calling party based on the pattern. Thus without a doubt, and as stated in the description of Hirai, the pattern is always transmitted beforehand, i.e., before it can be used for identifying the calling party.

Also the pattern in Hirai is used for different purpose, i.e., reporting an incoming call, whereas in the present invention the transmitted pattern is used in other operating areas than normally, e.g., for personalizing, making communication more versatile, stimulating senses, transmitting a feeling, state or condition.

Hirai mentions also messages, but as is stated for example in page 33, lines 3-10, also messages are used "for reporting the nature of the call" [lines 6-7]. The advantage achieved is, as stated in last sentence of page 33, that called party can immediately, without talking ascertain the nature of the

incoming call. This advantage of Hirai can only be received, if messages and other patterns reporting nature of the incoming call or identifying the calling party are transmitted to the called party before the incoming call is connected, i.e., before establishing the connection.

One example of the differences is that in Hirai the ringing tone (of called party's device) is set by a calling party, whereas in the present invention the user of the device (corresponding to a called party of Hirai) always chooses the ringing tone of his device. In the present invention (second) effects are selectable by the user and selected, and associated effect entities can then be used for personalizing user device or be transmitted to another device via established call or message connection. The solution presented in Hirai enabling identifying a calling party or nature of the incoming call before the connection is established leads away from the solution of the invention enabling activation of user selectable effects via established connection and real-time transmitting via the already used, established connection.

Starting from the above mentioned object of Hirai it would not be obvious to a skilled person to arrive at the solution presented in the present invention.

The claimed invention differs from the solution presented in Hirai by way and timing of activating of the effects. The effects are also used for different purposes. In Hirai the effects are transmitted beforehand (before the call is set up), whereas in the present invention in claims 1 and 13 effects are defined by the user of the phone, not the caller as in Hirai, and in claims 26 and 27 effects are transmitted via the established connection, i.e., during the connection,

not before. The technical feature of the present invention has technical effects that the user's own apparatus is personalized and the communication properties are emphasized in mobile station and a real-time connection is maintained at the same time [application: page 4, lines 18-19]. The effects perceptible with different senses [application: page 4, lines 17-18] are thus utilized during the established connection. So this adds features (perceptible effects) to the already established connection and makes the way of communicating more versatile and enables personalizing user's own device. And as mentioned in application page 4, lines 21-22, alternative means of attracting attention (during communication) facilitate the use of a mobile station among users with sensory defects. For example, for users having hearing disabilities it is possible to transmit feeling through a vibration or a blinking effect. These additional effects (with addition to the speech connection) strengthen the original speech-effect and give the content of the speech an additional tone that is not possible to be transmitted via speech-communication only.

The objective technical problem is to make the way of communicating more versatile and personalize the user device. The problem is solved according to present invention so that alternative effects of stimulating senses of a party to communication are activated by an established connection. Hirai, on the other hand, uses different effects to identify a calling party, so it relates to a phase before establishing a connection.

Thus the rejection of claims 1-3, 5-18 and 20-25 under 35 USC 102 on Hirai should be withdrawn.

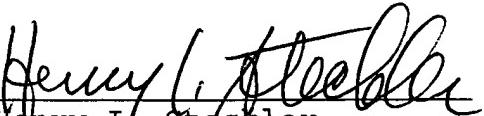
Further, "since there is no suggestion in Hirai of these features, these claims are unobvious over it.

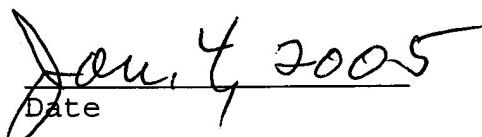
Similarly, since these features are not in Armato, combining it with Hirai does not result in the presently claimed invention. Thus the rejection of claims 4 and 19 under 35 USC 103 on this combination of references should be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$100.00 is enclosed for additional claim fees. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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